REMARKS

This amendment is being filed in response to the Office Action dated April 13, 2006. In that Action, the Examiner maintained the previous restriction requirement, and withdrew Claims 21-23. The title was objected to as not being sufficiently descriptive, and Claim 13 was rejected under 35 U.S.C. §112, second paragraph, regarding the lack of antecedent basis for the term "state machine." Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Romer in view of Arimilli. Claims 7, 9-15 and 19-20 were rejected under §103(a) as being unpatentable over Arimilli. Claim 6 was rejected under §103(a) as being unpatentable over Romer in view of Arimilli and Belair. Claim 8 was rejected under §103(a) as being unpatentable over Arimilli in view of Romer. Claims 16-17 were rejected under §103(a) as being unpatentable over Arimilli in view of Belair. Claim 18 was rejected under §103(a) as being unpatentable over Arimilli in view of Romer and Evans.

Applicants have amended the title of the case essentially as suggested in the Office Action, and have also amended Claim 13 to correct the reference to the state machine.

With respect to the §103(a) rejections, Applicants have disqualified the Arimilli reference as prior art pursuant to 35 U.S.C. §103(c) by providing herewith a declaration stating that, at the time the invention of this application was made, the rights in this application and the Arimilli reference were both owned by IBM Corp. As noted in MPEP §706.02(l)(3), a reference is disqualified under §103(c) when (i) proper evidence is filed, (ii) the reference only qualifies as prior art under 35 U.S.C. §102(e), (f) or (g), and (iii) the reference was used in an obviousness rejection under 35 U.S.C. §103(a). The Arimilli reference only qualifies as prior art under §102(e), and is only being used in §103(a) rejections. The declaration submitted herewith constitutes proper evidence as further explained in MPEP §706.02(l)(2). As noted in part II of that section (EVIDENCE REQUIRED TO ESTABLISH COMMON OWNERSHIP), "Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference

were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person."

Since every substantive rejection was based on Arimilli, the claims are now in condition for allowance, and Applicants respectfully request reconsideration of the §103(a) rejections.

Applicants have made a diligent effort to advance the prosecution of this application by amending the specification and claims, and providing the disqualifying declaration. In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on July 11, 2006.

Attorney for Applicant(s) — Date of Signature: July 11, 2006

Respectfully submitted,

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